


**PLANNING BOARD  
RESOLUTION No. 2012-32**

**A RESOLUTION OF THE KEY WEST  
PLANNING BOARD FOR AFTER-THE-FACT  
VARIANCE APPROVAL FOR PROPERTY  
LOCATED AT 1101 SIMONTON STREET  
(RE#00027480-000000) IN THE HISTORIC  
NEIGHBORHOOD COMMERCIAL ZONING  
DISTRICT, PER SECTION 122-810 (4) a. & b.  
BUILDING COVERAGE AND IMPERVIOUS  
SURFACE RATIO AND SECTION 122-810 (6) b.  
& c. REAR AND SIDE-YARD SETBACK  
REQUIREMENTS AND SECTION 122-1078 OF  
THE LAND DEVELOPMENT REGULATIONS  
OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST.**

**WHEREAS**, Section 122-810 (4) a. & b. and Section 122-810 (6) b. & c. of the Code of Ordinances provides that the maximum building coverage is 50% and maximum impervious surface ratio is 60% and the minimum allowed side-yard setback shall be 5 feet and the minimum rear-yard setback shall be 15 feet for detached habitable space; and

**WHEREAS**, the applicant requested variances to the existing building coverage and impervious surface ratio and to the existing side and rear-yard setbacks; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on July 19, 2012; and

 Chairman

 Planning Director

**WHEREAS,** the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS,** the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS,** the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS,** the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS,** the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

**WHEREAS,** the Planning Board finds that the granting of the variances will be in harmony

 Chairman  
 Planning Director

with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** An approval by resolution of the Key West Planning Board for variances to allow the use of an existing building as detached habitable space per plans received May 1, 2012, on property located at 1101 Simonton Street (RE# 00027480-000000) in the HNC-1 zoning district

 Chairman

 Planning Director


per Sections 122-810 (4) a. & b. and 122-810(6)b. & c. and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:


1. A FEMA Flood Elevation Certificate is obtained and provided.
2. The structure is inspected and brought up to code for habitable space.

**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

  
Chairman

  
Planning Director

**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of July, 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

  
Richard Klitenick  
Planning Board Chairman

7/27/12  
Date

 Chairman  
 Planning Director

**Attest:**

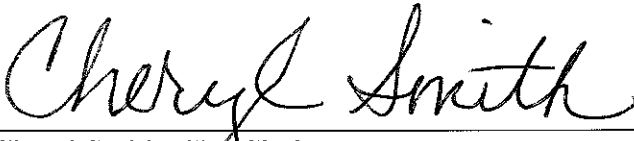


Donald Leland Craig, AICP, Planning Director

7.25.12

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

7-27-12

Date



Chairman



Planning Director

# Boundary Survey Report of part of Lot 2, Square 4, Tract 11, Island of Key West, Florida

## LEGEND

- Found 1/2" Iron Rod (No 10)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (B298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R/W Right of Way
- C/LF Chain Link Fence
- ± Centerline
- ⊕ Wood Utility Pole
- ⊞ Concrete Utility Pole
- p- Overhead Utility Lines

## NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1101 Simonton Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: March 11, 2011.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjainers are not furnished.

**BOUNDARY SURVEY OF:** On the Island of Key West and being a part of Tract 11, according to William A. Whitehead's map of said Island, but better described as part of Lot 2, Square 4, of said Tract 11, according to C.W. Tilt's map of plan of the Island of Key West, delineated July 1874, said part of Lot 2, comprising Subdivisions numbered 12, more fully described by metes and bounds as follows: **BEGINNING** at the corner of Simonton and Virginia Streets and running thence along the line of Simonton Street in a Southeasterly direction 42 feet and 1 inch; thence at right angles in a Northeasterly direction 87 feet; thence at right angles in a Northwesterly direction 42 feet and 1 inch to Virginia Street; thence at right angles in a Southwesterly direction along the line of Virginia Street 87 feet to the Point of Beginning.

**BOUNDARY SURVEY FOR:** Tamara Santiago;

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM  
Florida Reg. #6388

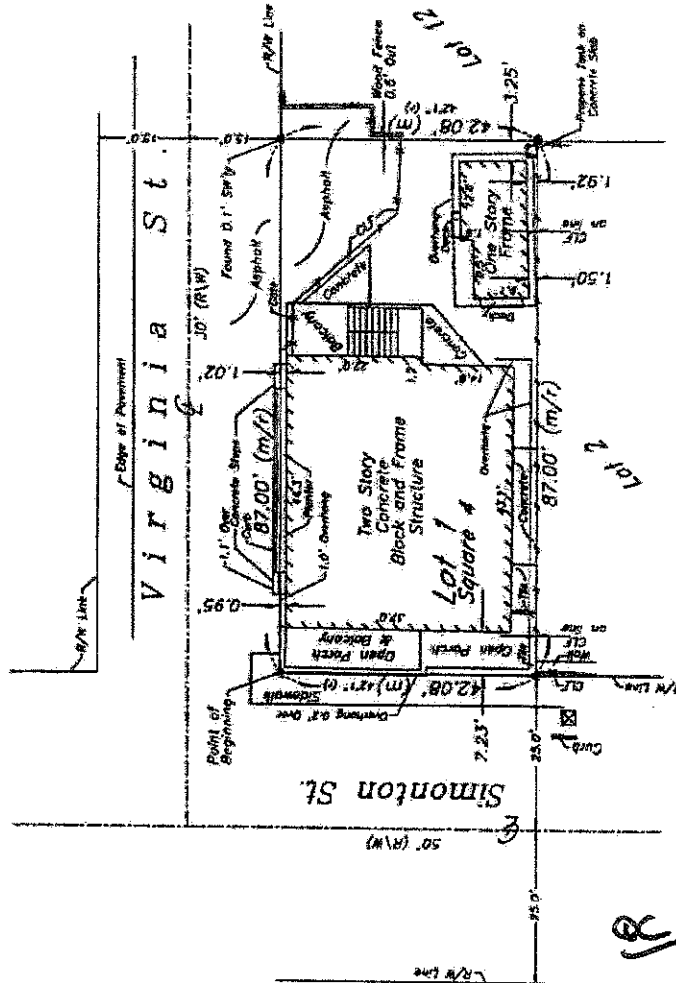
March 18, 2011

THIS SURVEY  
IS NOT  
ASSIGNABLE

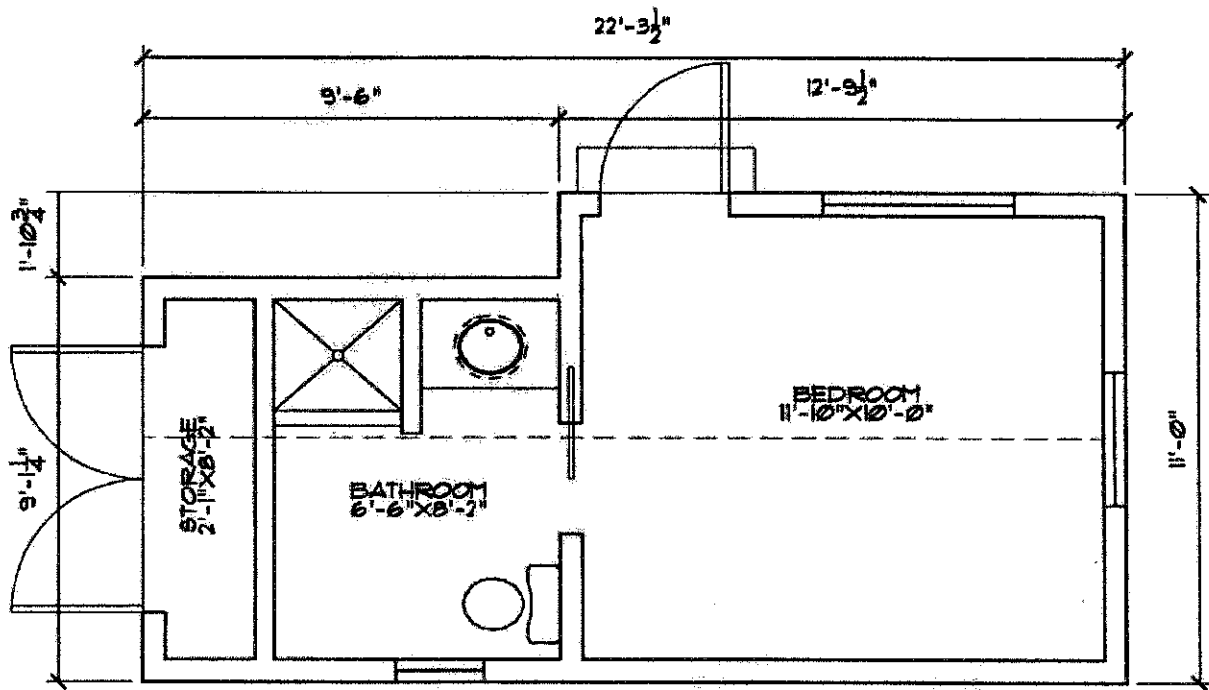
J. LYNN O'FLYNN, INC.

Professional Surveyor & Mapper  
FWS #6388

3430 Duck Ave., Key West, FL 33040  
(305) 288-7182 Fax (305) 248-2144



Rut



## Existing Floor Plan

1/4" = 1' - 0"

1101 SIMONTON ST

9c Ruk